Secrt. II-27—45,004—21-10-27.

Public. (192)) Department.

Misc SERIES.

G.O. No. 1198.

DATED 22 11/27.

[Despatch Abstract.]

Legislative Council question - October 1927.

Waiver of recovery - increments to unpassed clerks -

Revenue Department, South Kanara -- Papers recorded.

Inland Office,
25-7-27,

Barron Wemyss,

Mr.J.A. McCanna.

Re: WHITE DAIRY.

106. Will the appellant further be prepared to state

(a) whether it is a fact that the Department of Revenue has allowed some amount to dairy increments with effect from 1st March 1923; if so, what are the special reasons therefor;

(b) whether some other unpressed dairies who were operated at the same time as before and who are on the same footing have been given differential treatment;

(c) what action the Department has taken or proposes to take to remove the inequality complained of;

(d) whether it is a fact that increments are sanctioned for civil service;

(e) whether it is a fact that (Clerks) acting clerks without any substantial appointment are allowed the benefit of time-scales; if so, what is the criterion for the grant of increments to them, and by what rules is such criterion governed;

(f) whether Government have considered the hardship of approved service not being counted towards increments to dairy employees, and will they allow them to draw increments from a retrospective effect (with) only in cases where they have been confirmed prior to 1st March 1923, and in view of the fact that they will not be given credit to draw increments for more than one without any objection either by

Government or by the Accountant-Gen-

(g) whether it is a fact that the increments drawn by and subsequently recovered from certain clerks of the Revenue Department in South Kanara District were not refunded in full as per assurance given by the hon. the Minister of Revenue in his speech dated 10th July 1926 but only the increments drawn in March to July 1925 and if so, why;

(h) when the orders were issued by Collector to recover from the clerks amounts of increments already overdrawn for the first time;

(i) whether it is a fact that in all other departments increments drawn in 1st March 1923 to February 1925 have either been waived or refunded to [illegible]

(j) whether the Government will be pleased to state the total number of unpassed clerks exempted by the [illegible] Departments and the Government respectively from 4th February 1926 to 4th November 1926;

(k) the number of exempted unpassed clerks among those who had drawn increments for a year or more and whether the same will be refunded; and

(l) the probable expenditure to be incurred by giving their exemption retrospective effect?

D.R.

Public Department.

Legislative Council Question No.396.

Mr. J.A. Saldanha.

QUESTION	ANSWER
Will the Hon'ble the Member for Revenue be pleased to state:-	
(a) whether it is a fact that the Board of Revenue has allowed some unpassed clerks to draw increments with effect from 1st March 1925; if so, what are the special reasons therefor;	(a).- Yes: through a misunderstanding of the orders in G.O.No.164,Law(Mdn), dated 4-2-1925.
(b) whether some other unpassed clerks who were exempted at the same time or before and who are on the same footing have been shown differential treatment;	
(c) what action the Govt. have taken or propose to take to remove the inequality prevailing in this matter;	(b) and (c).- The Govt. are not aware of the differential treatment or inequality referred to by the Hon'ble Member.

(d) whether it is a fact that increments are sanctioned for approved service;

(d)- Yes.

(e) whether it is a fact that even acting clerks without any substantial appointment are allowed the benefit of time scale; if so, what is the chief criterion for the grant of increments to them; and by what rules is their case governed;

(e),- Yes. They are eligible for increments under Fundamental Rule 26(a), and provided they are qualified & their service is approved.

(f) whether Govt. have considered the length of approved service put in by the exempted unpassed clerks and allowed them to draw increments with retrospective effect only in cases where they were confirmed prior to 1st March 1921, and in view of the fact that they had once been allowed to draw increments for more than a year without any objection either by the Govt. or by the -

Accountant General;

(f).- In all cases which were brought to the notice of Govt. they held that retrospective effect should not be given to the orders granting exemption and that service for purposes of increment should count only from the date of exemption. Where, however, in consequence of ~~his~~ increments having been ~~antedated~~ drawn unauthorisedly a clerk was drawing more pay than he was entitled to, the recovery of any sum overdrawn in the past has been waived by the Govt. and the clerk permitted to remain on his present rate of pay; but he is not eligible for another increment until it is due calculating increments from the date of exemption.

(g) whether it is a fact that the increments drawn by and subsequently recovered from certain clerks of the Rev. Dept. in South Kanara District were not refunded in full as per assurance given by the Hon'ble the Member for Revenue

in his speech dated 10th July 1926 out only the increments drawn from March to July 1923 and if so, why;

(h) when the orders were issued by the Collector to recover from the clerks the amounts of increments already overdrawn for the first time;

(g) and (h).- The Govt. have no information.

(i) whether it is a fact that in all other departments increments drawn from 1st March 1923 to February 1925 have either been waived or refunded to them;

(i).- The attention of the Hon'ble Member is invited to para 3(v) of G.O.No.773, Law(Gdn), dated 3-5-26

(A)

(j) whether the Govt. will be pleased to state the total number of unpassed clerks exempted by the heads of departments and the Govt. ~~xxxxxxxx~~ respectively from 4-2-1925 to 4-11-1926;

(k) the number of exempted unpassed clerks among these who had drawn increments for a year or more and who subsequently refunded the same;

7

(l) the probable expenditure to be incurred by giving their exemption orders retrospective effect?

(j),(k) and (l).- The Govt. have no information immediately available.

23.8.27.

23.8.27

23.8.

Pub. u.o. 3610-1
26.8.27

(578)

Legislative Council Question No. ~~396~~ (Starred)

Mr. J.A.Saldanha.

Will the Hon'ble the Member for Revenue be pleased to state:-

(a) whether it is a fact that the Board of Revenue has allowed some unpassed clerks to draw increments with effect from 1st March 1925; i. e., what are the special reasons thereof;

(b) whether some other unpassed clerks who were exempted at the same time or before and who are on the same footing have been shown differential treatment;

(c) what action the Government have taken or propose to take to remove the inequality prevailing in this matter;

(d) whether it is a fact that increments are sanctioned for approved service;

(e) whether it is a fact that even acting clerks without any substantial appointment are allowed the benefit of time scale; and if so, what is the chief criterion for the grant of increments to them; and by what rules is their case governed;

(f) whether Government have considered the length of approved service put in by the ~~xxxxxxxxx~~ exempted unpassed clerks and allowed them to draw increments with retrospective effect only in cases where they were confirmed prior to 1st March 1921, and in view of the fact that they had once been allowed to draw increments for more than a year without any objection either by the Government or by the Accountant-General;

(g) whether it is a fact that the increments drawn by and subsequently recovered from certain clerks of the Revenue Department in South Kanara District were not refunded in full as per assurance given by the Hon'ble the Member for Revenue in his speech dated 10th July 1926 but only the increments drawn from March to July 1923 and if so, why;

(h) when the orders were issued by the Collector to recover from the clerks the amounts of increments already overdrawn for the first time;

(i) whether it is a fact that in all other departments increments drawn from 1st March 1923 to February 1925 have either

been waived or refunded to them;

(j) whether the Government will be pleased to state the total number of unpassed clerks exempted by the Heads of Departments and the Government ~~retrospectively~~ prospectively from 4th February 1923 to 4th November 1923;

(k) the number of exempted unpassed clerks among those who had drawn increments for a year or more and who subsequently refunded the same;

(l) the probable expenditure to be incurred by giving their exemption orders retrospective effect?

Public Department.

ANSWER.

(a) Yes: through a misunderstanding of the orders in G.O.No. 164, Edn(Education) dated 4th February 1923.

(b) and (c).- The Government are not aware of the differential treatment or inequality referred to by the Hon'ble Member.

(d) Yes.

(e) Yes. They are eligible for increments under Fundamental Rule 23(a) and provided they are qualified and their service is approved.

(f) In all cases which were brought to the notice of Government they held that retrospective effect should not be given to the orders granting exemption and that service for purposes of increment should count only from the date of exemption. There, however, in consequence of increments having been drawn unauthorisedly a clerk was drawing more pay than he was entitled to, the recovery of any sum overdrawn in the past has been waived by the Government and the clerk permitted to remain on his present rate of pay; but he is not eligible for another increment until it is due calculating increments from the date of exemption.

(g) and (h) The Government are not aware of the cases to which the Hon'ble Member refers unless it be that he refers to cases coming under the second sentence of paragraph 3(v) of G.O.773 Edn(Education) dated 3rd May 1928

(i) The attention of the Hon'ble Member is invited to paragraph 3(v) of G.O.No.773 Law(Education) dated 3rd May 1926.

(j) (k) and (l) The Government have no information immediately available.

(By Order)

27.8.27

Fort St.George,
26th August 1927.

Under Secretary.

To the Council Office.

answer
DL
27 AUG 1927

(The above answer has been approved by the Hon'ble Mr.N.E.Marjoribanks,C.S.I.,C.I.E., I.C.S.)

m.k.r.

Public u.o.3610-1
16-8-27

Increments to unpassed clerks.

* 515 Q.—Mr. J. A. SALDANHA : Will the hon. the Member for Revenue be pleased to state—

(*a*) whether it is a fact that the Board of Revenue has allowed some unpassed clerks to draw increments with effect from 1st March 1925 : if so, what are the special reasons therefor ;

(*b*) whether some other unpassed clerks who were exempted at the same time or before and who are on the same footing have been shown differential treatment ;

(*c*) what action the Government have taken or propose to take to remove the inequality prevailing in this matter ;

(*d*) whether it is a fact that increments are sanctioned for approved service ;

(*e*) whether it is a fact that even acting clerks without any substantial appointment are allowed the benefit of time-scale ; if so, what is the chief criterion for the grant of increments to them ; and by what rules is their case governed ;

(*f*) whether Government have considered the length of approved service put in by the exempted unpassed clerks and allowed them to draw increments with retrospective effect only in cases where they were confirmed prior to 1st March 1921, and in view of the fact that they had once been allowed to draw increments for more than a year without any objection either by the Government or by the Accountant-General ;

(*g*) whether it is a fact that the increments drawn by and subsequently recovered from certain clerks of the Revenue Department in South Kanara district were not refunded in full as per assurance given by the hon. the Member for Revenue in his speech dated 10th July 1926 but only the increments drawn from March to July 1923, and if so, why ;

(*h*) when the orders were issued by the Collector to recover from the clerks the amounts of increments already overdrawn for the first time ;

(*i*) whether it is a fact that in all other departments increments drawn from 1st March 1923 to February 1925 have either been waived or refunded to them ;

(*j*) whether the Government will be pleased to state the total number of unpassed clerks exempted by the heads of departments and the Government respectively from 4th February 1925 to 4th November 1926 ;

(*k*) the number of exempted unpassed clerks among these who had drawn increments for a year or more and who subsequently refunded the same ; and

(*l*) the probable expenditure to be incurred by giving such exemption order retrospective effect ?

1.—(*a*) Yes : through a misunderstanding of the orders in G.O. No. 164, Law (Education), dated 4th February 1925.

(*b*) & (*c*) The Government are not aware of the differential treatment or inequality referred to by the hon. Member.

(*d*) Yes

(*e*) Yes. They are eligible for increments under Fundamental Rule 26 (*a*) and provided they are qualified and their service is approved.

(*f*) In all cases which were brought to the notice of Government they held that retrospective effect should not be given to the orders granting exemption and that service for purposes of increment should count only from the date of exemption. Where, however, in consequence of increments having been drawn unauthorizedly a clerk was drawing more pay than he was entitled to, the recovery of any sum overdrawn in the past has been waived by the Government and the clerk permitted to remain on his present rate of pay ; but he is not eligible for another increment until it is due calculating increments from the date of exemption.

(*g*) & (*h*) The Government are not aware of the cases to which the hon. Member refers unless it be that he refers to cases coming under the second sentence of paragraph 3 (v) of G.O. No. 773, Law (Education), dated 3rd May 1926.

(*i*) The attention of the hon. Member is invited to paragraph 3 (v) of G.O. No. 773, Law (Education), dated 3rd May 1926.

(*j*), (*k*) & (*l*) The Government have no information immediately available.

Mr. J. A. SALDANHA :—" With reference to the answer to clause (*a*) ' through a misunderstanding of the orders in G.O. No. 164, Law (Education), dated 4th February 1925 ', I want to enquire, Sir, whether the orders were clear enough as not to be misunderstood ? "

The hon. Mr. N. E. MARJORIBANKS :—" Quite so, Sir, they were."

Law Dept. III-8—4,000—1-12-24.

QUESTION.—No. 396 for the meeting of the Legislative Council to be held on the 23rd August 1927

CURRENT NO
3610
PUBLIC

SUBMITTED that two copies of this Question may be forwarded to the Public Department.

The Question has been admitted.

9/8/27

H. O. No. dated

ASST. SECY. TO GOVT.
11 AUG. 1927
CHIEF SECT.

To

The Public Department.

Starred question Public Department.

Clauses (a),(b),(c) and (f).- Attention is invited to clauses (d),(e) and (f) of the question asked by Mr. Saldanha and the answers on pages 12-13 of G.O.No.866, Law(Mdn), dated14-5-1926. It has subsequently been hel by the Govt. in G.O.No.1031,Pub, dated 6-12-1926 and G.O.No.230,Pub, dated 15-3-1927 that service for purposes of increment can count only from the date of exemption. Mr. Saldanha has also been informed of the policy of the Govt. - vide the answers to clauses (a), and (b) of question No.785 of 1927 on page 12 of G.O.No 471,Pub, dated 25-5-1927. The answer may be "~~Yes~~. The attention of the Hon'ble Member is invited to the answer to question No.785 of 1927 regarding the general policy of the Govt."

for c of, yes. for a/ & b/ suggest 'not so far as Govt are aware". Yaumust test the facts Mr S. seems to allege in these questions. MVS 88

Clauses (d) and (e).- This is for consideration in the Public (Services) section.

Clauses (g) and (h).- Mr. Saldanha probably refers to H.M's speech (portion marked A) on page 70 of the L.C. Proceedings dated 10-7-1926 put up. There is no information in the office. For orders whether the informat may be called for. Draft submitted

Clause (i).- The answer may be "The attention of the Hon. ble Member is invited to para 3(v) of G.O.No.773,

M c 64
26. C 23.8.27

Law (Edn), dated 3-5-1926.

(A)

Clauses (j),(k) and (l).- There is no information in the office. For orders whether the answer may be "The Govt. have no information".

16.8.27.
45/6/8

Through Public (Servi
as regards clause (d)

Public (S) Department.

The answer to clause (d) may be 'Yes'. (Please see para. 3(b) of G.O. No.9 Public dated 5-1-26).

flag (U)

The answer to clause (e) may be "Yes. ~~He is~~ are eligible for increment under Fundamental Rule 26 (a) and provided ~~his~~ their service is approved."

go 9 Pub. 3 5/1-6

(U)

17.8.27

18/8

MS
CS.

Put up draft answers in usual form.
MWJ. 18.8.27

Draft answers are submitted typed.
~~as submitted~~.

19.8.27 No 22/8/27

Revised answers submitted as orally instructed by H.S.
MWJ 23.8.27

23.8.27
45/26/8

CS.

Hag
23/8

C1

Secret 23 AUG 1927

Secret by — Qns must know how many it has answered
Further the draft answers do not agree with the notes.

2/23/21

Ms has been brought down
to please in person
Ms
23/25

As amended
Ms
26/28

Please extracts of questions and answers
~~on p 11 c.f.~~ No further action is necessary.
The paper may be

G.O.
Mus 1198 dt 22.11.27

Recorded.

22.11.27.

L.C.Q - October 1927 -

~~Unposted clerks - grant of~~

increments - Waiver of
H.U. Junior Clerks, Rev. Dept, S. Kanara -
Recovery - Papers needed.

98
19/11/27
NS
21.11.27